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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARCUS ASAY,  
  
Defendant.

CASE NO. 1:22-CR-00162-ADA-BAM

STIPULATION AND ORDER TO CONTINUE  
STATUS CONFERENCE

**BACKGROUND**

This matter is currently scheduled for a status conference on **November 8, 2023**. Doc. 15. On October 24, 2023, the Court directed the parties to file a joint status report; or in the alternative, to file a stipulation to continue the status conference. *Id.* The parties have agreed that further time is necessary for defense investigation, review of discovery, trial preparation, and potential plea negotiations. In large part, preparation for trial and possible resolution of this matter by trial or plea depends on the outcome of *United States v. Agricultural Contracting Services Association et al.*, 1:19-cr-0003-ADA. The *Agricultural Contracting Services Ass'n* case has been pending trial since January 2022. Defendant Marcus Asay is also a defendant in that case. Counsel for the parties in this case set the current status conference of November 8 date in this case because the then-existing trial date in *Agricultural Contracting Services Ass'n* was September 13, 2023. Since that time, the *Agricultural Contracting Services Ass'n* trial has been continued to January 23, 2024. The parties have therefore agreed to

1 stipulate to a continuance of the status conference in this case until March 27, 2024, when they  
2 anticipate the *Agricultural Contracting Services Ass'n* trial will be complete.

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4 **STIPULATION AND [PROPOSED] ORDER**

5 **IT IS HEREBY STIPULATED** by and between the parties hereto, and through their respective  
6 attorneys, that the status conference currently set for November 8, 2023 be continued to March 27, 2024.  
7 Time shall be excluded from November 8, 2023 to March 27, 2024 under the Speedy Trial Act for defense  
8 preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the  
9 defendant and the public in a speedy trial.  
10

11  
12 Respectfully submitted,

13 PHILLIP A. TALBERT  
United States Attorney

14 DATED: October 31, 2023

By: /s/ Michael G. Tierney  
Michael G. Tierney  
Assistant United States Attorney

16  
17 DATED: October 31, 2023

By: /s/ Anthony P. Capozzi  
Anthony P. Capozzi  
Attorney for Marcus Asay

**ORDER**

The status conference currently set for November 8, 2023 is hereby continued to **March 27, 2024 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time shall be excluded from November 8, 2023 to March 27, 2024 under the Speedy Trial Act for defense preparation and continuity of counsel. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: November 1, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE